duce a third school, which might have been called Criminal Meterology, or Judiciary Astrology, but they were the cause of the polemic between anthropologists and sociologists." The discussion of the anthropological theories on the one hand and of the sociological theories on the other concludes the general view of the subject of criminology.

In the second chapter the author traces the development of penal science and its tendencies. Penal science is stated to have been developed under the, "double action of criminal law and penitentiary science."

The action in the criminal law lay in the movement following the demand from such as Beccaria for the reduction of the penalty to fit the crime and in the more radical demand enunciated in the writings of Karl Roder which aimed, "at bringing the conception of penology back to the universal law of tutelage over deficient beings." The action in penitentiary science is found in the prison reforms begun by John Howard in whose hands they were based upon no scientific theory but upon "charity and mercy," though, later, the reform assumed the characteristics of a science.

In modern penology, the outgrowth of the foregoing reforms, three tendencies are noted: (1) The traditional, (2) The reformistic; (3) The radical. The traditional tendency is characterized, "(a) by the claim of opposing crime only by means of punishment; and (b) by understanding the latter as a retribution—without any other aim—of crimes"; the reformistic by advocating, "the traditional penal measure for certain delinquents only with a repressive aim, while for others they reserve preventive measures against relapse and imitation, in accordance with the teachings of modern criminology"; the radical, by repudiating the traditional penal measures, and adopting the preventive measures, only, of the reformers.

Applications of the modern theories of penology are found in the juvenile court, "the American system of probation," "the European system of conditional sentence," and the indeterminate sentence.

The final chapter discusses the development of the science of identification of the criminal from the custom of branding the convict to the modern method of identification by finger-prints. The application of scientific information to the study of the traces left by the criminal in performing his crime is also described.

The work is not for the information of those already possessed of any considerable knowledge of the subjects of which it treats. No pretension is made to the statement of any original theories or hitherto undiscovered truths. Yet the discussions are so brief, owing to the number of topics discussed, that frequently the novice will receive so much less benefit than he might from a fuller discussion, that it seems that it would have been better had the author covered less ground more thoroughly. Despite this, however, the student of criminology or of penology can commence his studies in no better way than by reading this book. *O. S. R.*

INTRODUCTION TO THE SCIENCE OF LAW: Systematic Survey of the Law and Principles of Legal Study. By KARL GAREIS, Professor of Law at Munich. Translated from the third, revised edition of the German by ALBERT KOCOUREK, Lecturer on Jurisprudence in Northwestern University. With an Introduction by ROSCOE POUND, Story Professor of Law in Harvard University. THE BOSTON BOOK COMPANY. 1911. pp. xxix, 375.

As Professor Pound explains, in his admirably lucid introduction, the more or less heterogeneous contents of English works on "jurisprudence" are distributed, in German practice, among three classes of books: (1) works on legal philosophy; (2) general surveys of the whole field of the law; and (3) attempts to set forth more or less thoroughly the principles and rules which obtain and operate in all parts of the law, or at least in all parts of the private law. Literature of the third class is usually found in the first or "general part" of systematic treatises on private law, rather than in separate books. Of the literature of the second class, which the Germans call *Rechtsencyclopädie,* the book under review is a fair specimen. It begins, like all the other German surveys, with a liberal amount of legal philosophy, but the greater part of the book is panoramic.

To one who gained his first view of this variety of German lawbook a third of a century ago, it is interesting to note how far the traditions of the Savigny school of historical jurisprudence have continued dominant, and how far they have been modified or displaced by later theories. In this book the influence of Jhering is very marked. Not only is Jhering's definition of a legal right as "a legally protected interest" accepted, but an effort is made to classify rights according to the nature of the interests. To Gareis, as to most Germans, the interest seems the essential element of the right. To an English lawyer it would seem self-evident that the distinctively legal quality in the protected interest is the protection, the possibility of enforcement. That, I think, was Jhering's view also. In other matters in which Jhering broke even more decidedly with the theories of the historical school, his views have not yet obtained general recognition. His denial of the assertion that "law grows" and his energetic affirmation that "law is made" are still unacceptable to most of his countrymen. To Gareis, for example, custom is still law; while to any one who thinks out Jhering's thought, or to any one who has reached a logical reconciliation of the historical and analytical views, it is clear that no custom is law, not even in the earliest society, until it has become customary to enforce it. Until the Germans see this, they will not see why the custom of the courts, the *Gerichtspraxis,* is really law.

Another reflection which this book suggests is that, in spite of the general superiority of the Germans in the matter of systematic arrangement, they could learn something from English lawyers and from English writers on jurisprudence. The Germans still follow the Romans in some of their mistakes as well as in their successes. For example, to couple the law of torts, which is purely remedial and which operates all over the field of private law, with the substantive law of contractual and quasi-contractual obligations, which forms a very definite part of the law of property, is indeed warranted by Roman example, but is none the less a mistake. The English habit of treating torts as a separate division of the law is much more scientific. It also works better; for when a European legal writer undertakes to lay down general rules applicable to all obligations, he has to note many exceptions as regards obligations *ex delicto.*

Still, we have more to learn from the Germans in the matters of method and of systematic arrangement than they from us; and it is well that some of their books are being made accessible to English readers. Like most Germans, Gareis is often needlessly abstract in his presentation of concrete points—this is another matter in which Jhering's efforts have not attained the success they deserve—but he is

quite as intelligible in Mr. Kocourek's English as in his own German. The translation is faithful: the translator, as he tells us, has made no effort "to attain a mere rhetorical excellence"; he has regarded it as his duty to reproduce the author's meaning "at the possible expense of literary refinement." His own notes, however, in which he is under no such irksome restraint, frequently exhibit a degree of literary refinement and attain heights of rhetorical excellence which are unusual in modern legal literature. Many of these notes contain useful references to English and American books.

M. S.

A CONCISE LAW DICTIONARY OF WORDS, PHRASES AND MAXIMS. By FREDERIC JESUP STIMSON. Revised Edition by HARVEY CORTLANDT VOORHEES. Boston: LITTLE, BROWN & Co. 1911. pp. 346.

In the law as well as for the ordinary uses of mankind more than one type of word-book finds a place, and so the profession will not refuse its welcome to this latest edition of Stimson's handy glossary. The fact that it has not been deemed necessary to make any material change in the new edition either in plan or scope (the Prefatory Note declares that the work of the present editor "has been mainly to supplement rather than to revise") seems to indicate that there is a considerable demand for a law glossary of the barest, starkest sort. The law dictionary, from Jacobs' down, has almost always been something of a digest as well as a word-book. In the American edition of Bouvier this tendency finds its extreme application, while in the book before us we find ourselves at the opposite pole of condensation and restriction. This would seem to limit the use of the book to the purpose of refreshing the memory of the lawyer or of instructing the general reader who stumbles upon an unfamiliar term. The puzzled practitioner and the thoughtful law student will usually be driven to ampler stores of information in which varying uses of words and different shades of meaning are set forth. But, after all, the book deserves the praise which the present editor accords to Professor Stimson's original work. It is "excellent and scholarly" and it is the better for the care and industry expended on it by the learned reviser.

G. W. K.

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